



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,615	06/28/2001	Brian M. Hillier	9-16085-1US	4904
20988	7590	05/18/2007		
OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			EXAMINER BOVEJA, NAMRATA	
			ART UNIT 3622	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/892,615	Applicant(s) HILLIER ET AL.	
	Examiner Namrata Boveja	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 02/28/2007.
2. Claims 1-16 are presented for examination.
3. Amendments to claims 1, 9, 13, and 16 have been entered and considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. *Claims 1-16 are rejected under U.S.C. 103(a) as being unpatentable over Kalina (Patent Number 5,970,480 hereinafter Kalina) in view of Abecassis (Publication Number US 2001/0041053 A1 hereinafter Abecassis).*

5. In reference to claim 1, Kalina teaches an electronic purchasing method using redeemable points, comprising the steps of: providing a customer card having user information program thereon (col. 2 lines 13-18 and col. 4 lines 5-19); providing a customer card reader for a merchant at a point of purchase for reading said user information (col. 4 lines 5-19), said reader being networked with a plurality of readers (col. 4 lines 21-37); providing a central register having user information stored therein and connected to said network for access of said information (col. 4 lines 32-37 and col. 4 lines 59-col. 5 lines 5); providing bank information of said merchant accessible by information transmitted from said central register (col. 4 lines 32 to col. 5 lines 13 and

Figure 1-1); purchasing a good or service (col. 4 lines 62 to col. 5 lines 2); crediting or debiting a user with non-cash redeemable points (col. 4 lines 5-31 and col. 4 lines 59 to col. 5 lines 13); forwarding debit or credit information to said central register through said reader (col. 4 lines 16-20 and 59-62); and simultaneously debiting a merchant in cash a predetermined percentage of the taxed value of said purchase (i.e. a fee) (col. 4 lines 37-50).

Kalina does not teach the purchase of a good or service by a said user and the user using said some type of credit for payment for purchase of said good or service entirely or in combination with cash. Abecassis teaches the purchase of a good or service by a said user and the user using said credit for payment for purchase of said good or service entirely or in combination with cash (abstract, page 3 paragraph 36, page 20 paragraph 309, page 25 paragraphs 386-388, and page 26 paragraph 411). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Kalina to include enabling the user to purchase a good or service and use his credit to partially or fully pay for his transaction in order to give the user the option of utilizing his stored credit for purchasing a good or service other than just an investment vehicle and enable the user to apply his credit instantly at the time of purchase of the good or service.

6. In reference to claim 2, Kalina teaches the electronic purchasing method, further including the step of entering a password (i.e. pin) at said reader of allowing a user to access users information (col. 3 lines 44-46 and col. 4 lines 16-17).

7. In reference to claim 3, Kalina teaches the electronic purchasing method further

Art Unit: 3622

including the step of storing credit and debit information of said user in said central register (col. 4 lines 21-31, col. 4 lines 59 to col. 5 lines 13).

8. In reference to claim 4, Kalina teaches the electronic purchasing method, further including the step of determining the currency of a transaction (i.e. a credit award to cash conversion value) (col. 4 lines 67 to col. 5 lines 15).

9. In reference to claim 5, Kalina teaches the electronic purchasing method, further including the step of printing a receipt (i.e. a periodic statement) of a transaction (col. 5 lines 5-13).

10. In reference to claim 6, Kalina teaches the electronic purchasing method further including the step of altering an amount of points attributed to a customer for a purchase by said merchant (i.e. points are credited based on the amount of purchase and therefore they vary with the purchase amount) (col. 4 lines 27-31).

11. In reference to claim 7, Kalina teaches the electronic purchasing method further including the step of providing a customer with an option to purchase a good or service with cash or accrued points (i.e. customer always has an option to purchase an investment vehicle with cash without the use of accrued points and customer has to sign off on a directive to purchase the investment vehicle with credits) (col. 4 lines 51 to col. 5 lines 2).

12. In reference to claim 8, Kalina teaches the electronic purchasing method, wherein said accrued points are exhausted in entirety for purchasing a good or service (i.e. when the award points reach a preassigned level, they are converted to a cash value used to purchase investment vehicles) (col. 4 lines 59 to col. 5 lines 2).

Art Unit: 3622

13. In reference to claim 9, Kalina teaches the electronic purchasing method, wherein said method *occurs* in real time (col. 4 lines 16 to col. 5 lines 5).

14. In reference to claim 10, Kalina teaches the electronic purchasing method, wherein accrued points are immediately available from said central register for use by said customer subsequent to a purchase (col. 4 lines 16-31).

13. In reference to claim 11, Kalina teaches the electronic purchasing method, wherein said central register comprises a database (i.e. user data is stored and matched in memory) (col. 3 lines 50-56 and col. 4 lines 21-31).

15. In reference to claim 12, Kalina teaches the electronic purchasing method, wherein said network comprises the internet (i.e. information is exchanged between networked computer systems of the merchant and the bank) (col. 4 lines 16-37).

16. In reference to claim 13, Kalina teaches an electronic purchasing method using redeemable points, comprising the steps of: providing a customer card having user information program thereon (col. 2 lines 13-18 and col. 4 lines 5-19); providing a merchant at a point of purchase with means for conveying said user information over a network to a central register (col. 4 lines 5-19); providing a central register having user information stored therein and connected to said network for access of said information (col. 4 lines 32-37 and col. 4 lines 59-col. 5 lines 5); providing bank information of said merchant accessible by information transmitted from said central register (col. 4 lines 32 to col. 5 lines 13 and Figure 1-1); purchasing a good or service (col. 4 lines 62 to col. 5 lines 2); crediting or debiting a user with non-cash redeemable points (col. 4 lines 5-31 and col. 4 lines 59 to col. 5 lines 13); forwarding debit or credit information to said

Art Unit: 3622

central register through said means for conveying said user information (col. 4 lines 16-20 and 59-62); simultaneously debiting a merchant in cash a predetermined percentage of the taxed value of said purchase (i.e. a fee) (col. 4 lines 37-50); and simultaneously crediting a customer with a predetermined amount of said non-cash redeemable points (col. 4 lines 21-31).

Kalina does not teach the purchase of a good or service by a said user and the user using said some type of credit for payment for purchase of said good or service entirely or in combination with cash. Abecassis teaches the purchase of a good or service by a said user and the user using said credit for payment for purchase of said good or service entirely or in combination with cash (abstract, page 3 paragraph 36, page 20 paragraph 309, page 25 paragraphs 386-388, and page 26 paragraph 411). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Kalina to include enabling the user to purchase a good or service and use his credit to partially or fully pay for his transaction in order to give the user the option of utilizing his stored credit for purchasing a good or service other than just an investment vehicle and enable the user to apply his credit instantly at the time of purchase of the good or service.

17. In reference to claim 14, Kalina teaches the electronic purchasing method, wherein said non-cash redeemable points are immediately available for use by a customer for purchase of a good or service.

18. In reference to claim 15, Kalina teaches the electronic purchasing method, further including the step of providing a customer with an option to purchase said good

or service with cash or said non-cash redeemable points (col. 4 lines 16-31).

19. In reference to claim 16, Kalina teaches the electronic purchasing method, wherein said method *occurs* on the internet in real time (col. 4 lines 16 to col. 5 lines 5).

Response to Arguments

20. After careful review of Applicant's remarks/arguments filed on 02/28/2007, the Applicant's arguments with respect to claims 1-16 are presented for examination and have been fully considered but are moot in view of the new ground(s) of rejection. Amendments to the claims have both been entered and considered.

21. Applicants amendment for claims 9 and 16 addressed the rejection made under 35 USC § 112, and this rejection has therefore been removed.

22. Applicants additional remarks are addressed to new limitations in the claims and have been addressed in the rejection necessitated by the amendments.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later

Art Unit: 3622

than SIX MONTHS from the mailing date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The FAX number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).



NB

May 14th, 2007


RETTA YEHDEGA
PRIMARY EXAMINER